

### ***Remarks***

Reconsideration of this Application is respectfully requested.

Claims 3, 4, and 11 are sought to be amended to add periods to the end of the claims. Claim 17 is sought to be cancelled without prejudice or disclaimer. Applicants reserve the right to prosecute a similar or broader claim in a continuation application. Upon entering this amendment, claims 1-16 and 18-24 are pending in this application, with 1, 15, and 18 being the independent claims. No new matter has been entered by any amendments shown above.

Based on the above amendments and following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

### ***Rejections under 35 U.S.C. § 102(b)***

Claims 1-24 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,559,967 to Oprescu et al. ("Oprescu"). Applicants traverse this rejection.

Claims 1, 15, and 18 all recite at least first and second standards.

Applicants assert the word "standard" commonly means:

(a) A document, established by consensus and approved by an accredited standards development organization, that provides for common and repeated use, rules, guidelines, or characteristics for activities or their results, aimed at the achievement of the optimum degree of order and consistency in a given context. [IEEE 91].<sup>1</sup>

The claims recite systems and methods that are configured to operate using at least two different standards, for example, 1394-1995/1394a-2000 and 1394b-2002.

The Examiner has alleged that Oprescu teaches two standards because Oprescu teaches of a first and second transceivers that can handle common and differential mode signals.

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<sup>1</sup> <http://www.sei.cmu.edu/opensystems/glossary.html#s>

For example, the Examiner states on page 2 of the Office Action:

Oprescu teaches a serial data interface system...comprising...a first transceiver configured to comply with a first standard....comply with differential and common mode...and a second transceiver configured to comply with a second standard...comply with differential and common mode... .

Applicants provide below definitions for the terms used in Oprescu that are being alleged by the Examiner to be analogous to “standards.” The Examiner first alleges “common mode” is a standard. The term “common mode” is defined to mean:

Common-mode signals are identical signal components on both the + and - inputs of a differential amplifier or instrumentation amplifier. A common example is in a balanced pair, where a noise voltage is induced in both conductors. Another example is where a DC component is added (e.g. due to a difference in ground between the signal source and the receiver).<sup>2</sup>

The Examiner next alleges the term “differential mode” is a standard. The term “differential mode” is defined to mean:

For each input signal there are two signal wires. A third connector allows the signals to be referenced to ground. The measurement is the difference in voltage between the two wires: any voltage common to both wires is removed.<sup>3</sup> A SCSI bus configuration in which each signal is sent on two wires. The signal is derived by taking the difference in voltage between the two wires, effectively eliminating unwanted noise in the wire.<sup>4</sup>

In view of the commonly accepted meaning in the art of the words “standard,” “common mode,” and “differential mode” Applicants respectfully submit that common and differential mode schemes cannot be considered to anticipate, either explicitly or inherently, first and second standards, as recited in claims 1, 15, and 18.

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<sup>2</sup> <http://www.maxim-ic.com/glossary/index.cfm/Ac/V/ID/62/Tm/COMMON-MODE>

<sup>3</sup> <http://www.microlink.co.uk/design/daq.html>

<sup>4</sup> <http://www.madisoncable.com/glossary.asp>

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 1, 15, and 18. Also, at least based on their respective dependencies, claims 2-14, 16, and 19-24 should be found allowable.

Also, in regards to at least claims 2, 16, and 19, in contradiction to the Examiner's own arguments regarding differential and common mode schemes being the first and second standards recited in claims 1, 15, and 18, respectively, the Examiner goes on to reject, for example, claim 2 stating:

As for claim 2, Oprescu teaches wherein: the first standard is IEEE1394a-1995/1394b-2000 standard; and the second standard is IEEE 1394b-2002 standard (see column 2, lines 47-53).

However, Oprescu at column 2, lines 47-53 teaches:

A still further object of the present invention is to implement the above objects in a multi-speed, serial bus architecture pursuant to the IEEE P1394 standard having an arbitrary bus topology where nodes coupled to the bus need not be arranged in a predefined network topology but can be arbitrarily coupled to other nodes via the serial bus to form an assorted number of network arrangements.

Oprescu merely teaches using a single standard, IEEE P1394 standard. Importantly, Oprescu has a priority date of 1991, which is well before the IEEE 1394-1995, 1394a-2000, and/or 1394b-2002 standards were developed or implemented. Thus, Applicants respectfully submit that this vague reference to a single, different standard than what is claimed in claims 2, 16, and 19, cannot anticipate, explicitly or inherently, the claimed features of first and second standards being IEEE 1394-1995, 1394a-2000, and/or 1394b-2002, as recited in claims 2, 16, and 19.

Furthermore, the only way for the Examiner to make this rejection of at least claims 2, 16, and 19 is to use impermissible hindsight, which is not permitted under the prevailing patent laws. *Continental Can Company v. Monsanto Company*, 948 F.2d 1264, 1271, 20 USPQ2d 1746, 1751 (Fed. Cir. 1991) ("When prior art references require selective combination ... there must be some reason for the combination other than the hindsight gleaned from the invention itself."); *Heidelberger Druckmaschinen AG v. Hantscho Commercial Products, Inc.*, 21 F.3d 1068, 1072 30 USPQ2d 1377,1380 (Fed. 1875.4690000

Cir. 1993) ("The motivation to combine references can not come from the invention itself."); *Para-Ordnance Manufacturing, Inc. v. SGS Importers International, Inc.*, 73 F.3d 1085, 1087, 37 USPQ2d 1237, 1239 (Fed. Cir. 1995) ("Obviousness may not be established using hindsight or in view of the teachings or suggestions of the inventor.").

Accordingly, for these additional reasons, the Applicants respectfully request that the Examiner reconsider and withdraw the rejections of claims 2, 16, and 19.

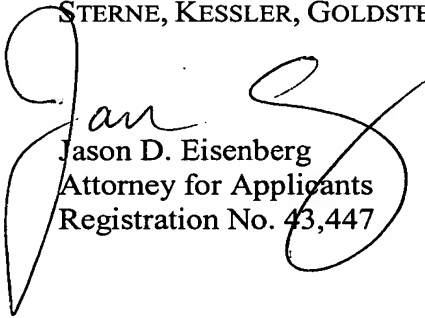
### ***Conclusion***

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

  
Jason D. Eisenberg  
Attorney for Applicants  
Registration No. 43,447

Date: 1/25/06  
1100 New York Avenue, N.W.  
Washington, D.C. 20005-3934  
(202) 371-2600  
SKGF\_DC1: 484895.1

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